

January 28, 2016

Planning Commission Ordinance Committee

Re: **Zoning Ordinances pertinent to Family DayCares Home, Noise, Fostercare & Childcare co-occurring within residentially zoned districts**

From: Maggie Standley, 13 Myrtle St, Burlington, VT 05401

Dear Ordinance Committee Members,

Please find enclosed several documents relevant to the topics noted above. I appreciate your guidance in resolving some of the issues I have been trying to navigate and deal with for 2 years. Due to an uncooperative neighbor, it has left me no choice but to explore regulatory relief. In doing so, some questions have arisen related to Burlington's CDO.

This is following up to the information and brief discussion regarding this at the Planning Commission meeting on 12.8.15 at which I presented the issues in public forum. After this meeting, I was advised to meet with this committee.

In a nutshell:

1. The City of Burlington has a Noise Ordinance. However, there are not objective standards in terms of decibels.
2. There are not noise standards for Home Based Daycares in residential districts
3. Can we come up with measures to try and eliminate some conflicts so that Code Enforcement, or the appropriate Department has the authority and equipment necessary to measure noise?
4. While the Noise Ordinance does cover every activity, it's the Burlington Police Department that enforces it. This is not compatible for dealing with Home Based Daycares.
5. Would Code Enforcement staff, trained with decibal readers , enable enforcement and allow harmonious coexistence between different uses?

Additionally to review, there are some gaps in the CDO pertaining to Daycares.

In Burlington's CDO – Article 13, defining Daycares in Burlington, there are 3 categories. The State has 7 categories of care: <https://www.childcareresource.org/types-of-child-care>

Of importance as well to better align these:

1. What is the date of the Comprehensive Zoning Ordinance?
 2. The date of then-in-effect state regulation relating to daycare facilities (What was state law); and
 3. Any regulation that supersedes that. (Was that state law changed?)
4. The State does not allow co-occurring Daycare & Foster Care- Per Chapter 224, see attached regulation. Where does the City stand on this for the safety and impacts of all?

Many thanks for your assistance. I look forward to finding some solutions.

Warmly,
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